

AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1282**

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**Introduced by Assembly Member Salas**

February 23, 2007

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An act to add Section 17537.10 to the Business and Professions Code, relating to advertising.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1282, as amended, Salas. Advertising: ~~telephone directory listings; business location representations~~. *representations: floral or ornamental products or services.*

Existing law provides for the regulation of advertising in the state and makes certain advertising practices unlawful. A violation of the provisions regulating advertising is a crime.

This bill would make it unlawful for a provider or vendor of a service ~~or product~~ *floral or ornamental products or services, as defined*, to misrepresent the geographic location of its business by either (1) listing a local telephone number in any listing or advertisement, if calls to the telephone number are routinely forwarded to a business location different from the geographic location of the business indicated in the advertisement or listing and the advertisement or listing does not identify the true physical address of the business; or (2) listing a fictitious business name or an assumed business name in any listing or advertisement, if the name misrepresents the location of the business and the listing or advertisement does not identify the true physical address of the business. This bill would state that it does not create any duty nor impose any obligation upon anyone other than the business that is the subject of the advertisement or listing. By creating new

advertising prohibitions, the violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17537.10 is added to the Business and  
2 Professions Code, to read:

3 17537.10. (a) It is unlawful for a provider or vendor of a  
4 ~~service or product~~ *floral or ornamental products or services* to  
5 misrepresent the geographic location of its business by doing either  
6 of the following:

7 (1) Listing a local telephone number in any advertisement or  
8 listing if both of the following criteria are met:

9 (A) Calls to the telephone number are routinely forwarded or  
10 otherwise transferred to a provider's or vendor's business location  
11 that is different from the geographic location of the business  
12 indicated in the advertisement or listing.

13 (B) The advertisement or listing does not identify the true  
14 physical address, including the city and state, of the provider's or  
15 vendor's business.

16 (2) Listing a fictitious business name or an assumed business  
17 name in any advertisement or listing if both of the following criteria  
18 are met:

19 (A) The name misrepresents the provider's or vendor's  
20 geographic location.

21 (B) The advertisement or listing does not identify the true  
22 physical address, including the city and state, of the provider's or  
23 vendor's business.

24 (b) For the purposes of this section, "local telephone number"  
25 means a specific telephone number (area code and prefix) assigned  
26 for the purpose of completing local calls between a calling party  
27 or station and any other party or station within a designated  
28 exchange or all of its designated local calling areas. The term does

1 not include long distance telephone numbers or 800 or 900  
2 exchange telephone numbers listed in a local telephone directory.

3 (c) *For purposes of this section, “floral or ornamental products*  
4 *or services” means floral arrangements, cut flowers, bouquets,*  
5 *potted plants, balloons, floral designs, and related products and*  
6 *services.*

7 (e)

8 (d) This section creates no duty and imposes no obligation upon  
9 anyone other than the business that is the subject of the  
10 advertisement or listing.

11 SEC. 2. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.